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**BEFORE THE ARIZONA CORPORATION COMMISSION**

Arizona Corporation Commission

**DOCKETED**

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**RECEIVED**CARL J. KUNASEK  
ChairmanJIM IRVIN  
CommissionerWILLIAM A. MUNDELL  
Commissioner

IN THE MATTER OF US WEST  
COMMUNICATIONS, INC.'S  
COMPLIANCE WITH § 271 OF THE  
TELECOMMUNICATIONS ACT OF  
1996

DOCKET NO. T-00000000-0238

**JOINT MOTION FOR ALTERNATIVE  
PROCEDURAL ORDER**

Commission Staff ("Staff"), AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T"), MCI Telecommunications Corporation and MCI WorldCom, Inc. on behalf of its regulated subsidiaries (collectively "MCI"), Sprint Communications Company, L.P. ("Sprint"), Cox Communications ("Cox"), NEXTLINK Communications, Inc. ("Nextlink"), e-spire™ Communications, Inc. ("e-spire"), Electric Lightwave, Inc. ("ELI"), Rhythms Links, Inc. ("Rhythms"), and the Residential Utilities Consumers Office ("RUCO") (collectively, "the Parties" or "the Joint Movants") hereby file this Joint Motion for an alternative procedural order in this case.

The Parties request that the Procedural Order dated October 1, 1999, that established the existing procedural schedule for addressing checklist items 3, 7, 8, 9, 10, 12 and 13 be vacated and that an alternative procedural order be issued which commences a collaborative workshop process with the objective of determining if the parties can agree on whether checklist elements 3, 7, 8, 9, 10, 12 and 13 have been met by U S WEST Communications, Inc. ("U S WEST").

The collaborative process has been used in several states, including New York and Texas. The New York Commission set up technical conferences where the relevant and material issues of fact were identified, and technical experts for the parties participated in the conferences to examine the issues. The parties also filed pleadings on legal and policy issues. In its recently-filed comments to the Federal Communications Commission, the New York Commission relied on the results of the

1 technical conferences, in finding that Bell Atlantic had met the Section 271 requirements. See, FCC  
2 Docket No. 99-295, Evaluation of the New York Public Service Commission.

3 In Texas, the Staff identified open issues relating to SBC's 271 application. The  
4 Commission directed the Staff to establish and conduct a collaborative process to consider the issues  
5 identified. The Commission held that:

6 The successful conclusion of the collaborative process and supplementation of the  
7 record would allow the Commission to reach a positive recommendation to the FCC  
on SWBT's application.

8 Public Utility Commission of Texas, Order No. 25 Adopting Staff Recommendations; Directing  
9 Staff to Establish Collaborative Process, Project #16251.

10 The Texas Staff issued a report on the outcome of the workshops, and the Texas Commission  
11 then considered the report in an open meeting. The Texas Commission issued an order approving  
12 SBC on all 271 issues contingent on the successful outcome of OSS testing.

13 The ACC Staff, with the assistance of their consultants Doherty & Co., Inc. ("DCI"), has  
14 conducted a series of workshops regarding Operations Support Systems ("OSS") and performance  
15 measurements. The workshop process in Arizona has worked well thus far. Because of the nature  
16 of checklist items 3, 7, 8, 9, 10, 12 and 13, the Parties propose that the Hearing Division vacate the  
17 current procedural schedule and implement an alternative procedural schedule providing for a series  
18 of workshops, to be followed by a recommended Report to the Commission on the workshop  
19 findings. The workshops would focus on the seven checklist items now scheduled for hearing in  
20 February.

21 More specifically, the Joint Movants would propose the following procedure:

- 22 1. Workshops would be held on the seven checklist items identified in the  
23 Commission's October 1, 1999 Procedural Order. All parties would have the  
24 opportunity to file written comments and present oral comments on each checklist  
25 item. Written comments would be supported by sworn affidavit. Parties would be  
26 entitled to submit additional oral comments, documents or exhibits at the workshops  
27 in response to comments, statements or presentations made by other parties. Parties  
28

1 would also have full opportunity to question U S WEST regarding each checklist  
2 item. Oral comments, presentations and responses to questions would be under oath.

3 2. The ACC Staff and their consultants, DCI, would manage the workshops. The  
4 workshops would be transcribed so that a formal record is produced. Written  
5 comments, exhibits and presentations would also become part of the record. The  
6 workshops on the seven checklist items identified in the Commission's October 1,  
7 1999 Procedural Order would conclude by March 1, 2000. After each checklist item  
8 is addressed, parties would be permitted to submit proposed findings of fact and  
9 conclusions of law for review and consideration by the Staff.

10 3. The Staff would periodically file its recommended report(s) on checklist items which  
11 the parties agree are not in dispute with the Commission for consideration at open  
12 meeting(s). Parties could file briefs and reply briefs on the Staff report(s) and the  
13 Commission would either approve, modify or deny the recommended report(s), or  
14 portions thereof.

15 4. The Staff would periodically file its recommended report(s) on checklist items which  
16 the parties agree remain in dispute with the Hearing Division. Parties would be  
17 allowed to file briefs and reply briefs with the Hearing Division on the recommended  
18 Staff report(s). The Hearing Division would issue recommended order(s) based on  
19 the Staff report(s), exceptions, briefs and the record. Parties would be entitled to file  
20 exceptions to the recommended order(s).

21 5. At the conclusion of the collaborative on checklist items 3, 7, 8, 9, 10, 12 and 13, the  
22 Joint Movants agree to consider the use of the collaborative process to resolve the  
23 remaining checklist items.

24 The Joint Movants believe that this process will allow a full airing of the seven checklist  
25 items; full participation in the process by all parties; and allow the Commission in reaching its  
26 ultimate determination on U S WEST's application, to balance the concerns and interests of all  
27 parties in an equitable fashion.  
28

1 WHEREFORE, the Parties respectfully request that the Commission vacate the current  
2 procedural schedule and implement an alternative procedural schedule providing for a collaborative  
3 workshop process on checklist items 3, 7, 8, 9, 10, 12 and 13 as more fully described herein.

4 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of November, 1999.

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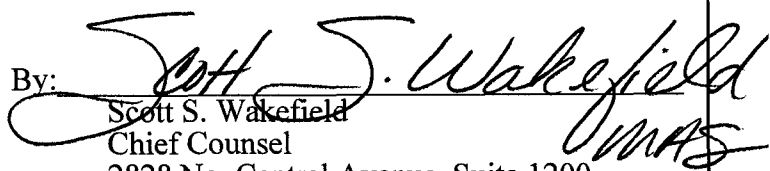
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